

REMARKS

Claims 1-21 remain in the referenced application. Claims 22-30 have been canceled.

Claims 1-10, 12, and 21 stand rejected under 35 U.S.C. §102(b) by Miller, Jr. et al. (U.S. Patent No. 4,532,811 – hereinafter referred to as Miller).

Applicant respectfully traverses the above-recited rejection with respect to claim 1 on the basis that Miller, in fact, does not disclose a sensor circuit adapted to cycle a thermistor between a zero-power mode and a self-heated mode. In rejecting claim 1, the Examiner asserts Miller discloses a timer circuit means 100 that cycles a thermistor 16 between a zero-power mode and a self-heated mode. Applicant respectfully disagrees with this assertion. Referring to column 4, lines 32-36, Miller specifically discloses the metering apparatus includes a thermistor 16 that is designed to be used in the self-heating mode to impart brief, sensible heat pulses to the liquid to be metered. The fact Miller uses the thermistor 16 in the self-heating mode and only in the self-heating mode is evidenced from column 4, lines 40-43, wherein Miller specifically discloses the metering apparatus includes a thermistor 20 that is spaced a fixed distance from the self-heating thermistor 16 and that is designed for use in the heat sensing mode. Miller accordingly discloses only a standard two-thermistor design wherein the self-heating thermistor 16 imparts brief, sensible heat pulses into a liquid, and the heat sensing thermistor 20 detects the imparted heat, which is then used to calculate liquid flow rate. If Miller cycled the self-heating thermistor 16 between a self-heated mode and a zero-power mode there would be no need for Miller to include the heat sensing thermistor 20 in the metering apparatus. Miller therefore in no way discloses in column 8, lines 1-10 that the timer circuit means 100 cycles the self-heating thermistor 16 between a zero-power mode and a self-heated mode. The timer circuit means 100 pulses the self-heating thermistor 16 for the sole purpose of driving the self-heating thermistor 16 in the self-heating mode in order to impart brief, sensible heat pulses into the liquid to be metered. Applicant thus respectfully submits claim 1 is patentable over Miller because the timer circuit means 100 pulses the self-heating thermistor 16 solely in the self-heating mode for the purpose of imparting brief, sensible heat pulses into a liquid that are detected by the heat sensing thermistor 20 and employed in the calculation of liquid flow rate.

Applicant respectfully traverses the above-recited rejection with respect to claim 2. The timer circuit means 100 does not cycle the self-heating thermistor 16 between a zero-power mode and a self-heated mode, and there is no disclosure in Miller that the timer circuit means 100 is configurable power controller.

Applicant respectfully traverses the above-recited rejection with respect to claim 3. The resistor 126 is a fixed value resistor as per the symbol denoting the resistor 126 in Figure 3, and the switch 134 is a manual switch that merely controls initial activation of the timer circuit means 100.

Applicant respectfully traverses the above-recited rejection with respect to claim 4. The resistor 126 is a fixed value resistor as per the symbol denoting the resistor 126 in Figure 3

Applicant respectfully traverses the above-recited rejection with respect to claim 5. The resistor 126 is a fixed value resistor as per the symbol denoting the resistor 126 in Figure 3

Applicant respectfully traverses the above-recited rejection with respect to claim 6. Figure 3 does not depict any resistor located from the self-heating thermistor 16 at the low side of the power supply.

Applicant respectfully traverses the above-recited rejection with respect to claim 7. Column 6, lines 60-68, through column 7, lines 1-7, provides disclosure regarding the heat sensing thermistor 20. That disclosure accordingly does not apply to the self-heating thermistor 16 which is the basis for the Examiner's rejection.

Applicant respectfully traverses the above-recited rejection with respect to claim 8. Column 6, lines 60-68, through column 7, lines 1-7, provides disclosure regarding the heat sensing thermistor 20. That disclosure accordingly does not apply to the self-heating thermistor 16 which is the basis for the Examiner's rejection. Moreover, the heat sensing thermistor 20 operates only in a heat sensing mode and not in a self-heated mode as recited in claim 8.

Applicant respectfully traverses the above-recited rejection with respect to claim 9. Column 6, lines 60-68, through column 7, lines 1-7, provides disclosure regarding the heat sensing thermistor 20. That disclosure accordingly does not apply to the self-heating thermistor 16 which is the basis for the Examiner's rejection.

Applicant respectfully traverses the above-recited rejection with respect to claim 10. Column 6, lines 60-68, through column 7, lines 1-7, provides disclosure regarding the heat sensing thermistor 20. That disclosure accordingly does not apply to the self-heating thermistor 16 which is the basis for the Examiner's rejection.

Applicant respectfully traverses the above-recited rejection with respect to claim 12. The computer disclosed by Miller is an external data collector 132 that records each activation event of the self-heating thermistor 16 in order to derive T.

Applicant respectfully traverses the above-recited rejection with respect to claim 21. The timer circuit means 100 does not cycle the self-heating thermistor 16 between a zero-power mode and a self-heated mode, and there is no disclosure in Miller that the timer circuit means 100 is configurable constant voltage source.

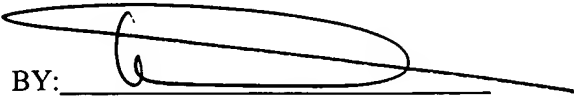
The prior made of record in the referenced application has been reviewed by Applicant and is deemed not to anticipate nor render obvious the claimed invention.

In view of the foregoing, Applicant respectfully requests reconsideration of the rejected claims and earnestly solicits early allowance of the application.

Respectfully submitted,

LAW OFFICES OF CHRISTOPHER L. MAKAY
1634 Milam Building
115 East Travis Street
San Antonio, Texas 78205
(210) 472-3535

DATE: 23 March 2006

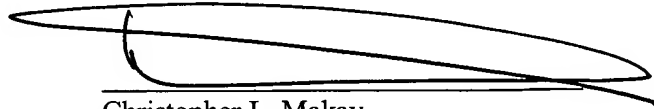
BY: 
Christopher L. Makay
Reg. No. 34,475

ATTORNEY FOR APPLICANT

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail No. EV 847630006 US Date: 23 March 2006

A handwritten signature in dark ink, appearing to read "Christopher L. Makay", written over a horizontal line.

Christopher L. Makay